

REMARKS

Upon entry of the present amendment, claim 5 will have been canceled, without prejudice and without disclaimer of the subject matter, and claims 1-4, 6, 7 and 20 will have been amended to more clearly define the invention, while not substantially affecting or narrowing the scope of these claims. Claim 1 will have been further amended to substantially include at least a portion of the subject matter from cancelled claim 5. Applicant respectfully submits that all pending claims are now in condition for allowance.

In the above-referenced Official Action, the Examiner rejected claims 1-11, 20-27, 37, 38 and 51-54 under 35 U.S.C. § 103(a) as being unpatentable over CLARK et al. (U.S. Patent No. 5,970,064) in view of CHEN (U.S. Patent No. 6,563,835). The Examiner rejected claims 12, 14-19, 28, 29, 32-36 and 55 under 35 U.S.C. § 103(a) as being unpatentable over CLARK et al. in view of CHEN in further view of LYON et al. (U.S. Patent No. 5,892,924). The Examiner rejected claims 13, 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable over CLARK et al. in view of CHEN and LYON et al. in further view of HUGHES et al. (U.S. Patent No. 5,842,040). The Examiner rejected claims 39-41 and 43-50 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. (U.S. Patent No. 5,953,338) in view of LYON et al. The Examiner rejected claim 42 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of LYON et al. in further view of HUGHES. The Examiner rejected claim 56 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of CHEN. The Examiner rejected claims 57-59 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of CHEN in further view of CLARK et al. The Examiner rejected claim 60

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under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of CHEN in further view of LYON et al. Applicant respectfully traverses these rejections, at least for the reasons stated below.

The Examiner rejected the claims on the same grounds as relied upon in the previous Official Action, dated May 20, 2004, to which Applicant fully responded in the Reply under 37 C.F.R. § 1.111, filed on November 29, 2004. Notably, the Examiner has not directly addressed Applicant's distinction over the primary references, which are directed to controlling network connections based on various network parameters, as opposed to controlling network connections based on policy and logic of requested services (as in the claimed embodiment). Rather, the Examiner essentially repeats the arguments set forth in the last rejection with respect to the CLARK et al. reference. Moreover, the Examiner did not address at all Applicant's argument distinguishing the routing labels disclosed by LYON et al. from the service policy and logic certificates of the claimed inventions, as recited in claims 12-19, 28-36 and 39-50, 55 and 60.

The Examiner relied on CLARK et al. as the primary reference in rejecting the majority of the claims pending in the present application, *i.e.*, claims 1-38 and 51-55, under 35 U.S.C. § 103(a). However, the CLARK et al. patent is directed to controlling admission to a network based on the capabilities and availability of the network's resources. *See, e.g.*, col. 8, lines 5-13. CLARK et al. do not teach or suggest enabling and establishing network connections based on policy and logic of a service, provided by a service controller. CLARK et al. only disclose making network connections independently from the service being invoked (if any).

The portions of CLARK et al. cited by the Examiner do not teach differently. For example, col. 4, lines 7-8, discuss admission control on a node-by-node basis across a network, based on

network performance data. See col. 4, lines 12-15. Similarly, the disclosure from col. 10, line 52, to col. 11, line 10, addresses a network controller 200, which collects data about network performance and adjusts network admission parameters based on detected network performance regardless of the service being implemented over the network. The focus of CLARK et al. is entirely on a lower level (the network layer) than that of the claimed invention (the service layer).

The Examiner again relied on MA et al. as the primary reference in rejecting the remaining claims, i.e., claims 39-50 and 56-60, under 35 U.S.C. § 103(a). However, like CLARK et al., MA et al. is directed to control of admission to a network based on the capabilities and availability of network resources, not requested services. See col. 7, lines 13 – col. 8, line 11; Fig. 8. In the Official Action, the Examiner did not address any of Applicant's arguments directed to MA et al. The claimed embodiments of the present invention are distinguishable over MA et al. for the same reasons set forth in Applicant's Reply under 37 C.F.R. § 1.111, filed on November 29, 2004.

Likewise, the Examiner again relied on LYON et al. to teach a certificate to provide predetermined data, such as specifying setup parameters, relating to a service, as recited in claims 12-19, 28-36 and 39-50, 55 and 60. However, LYON et al. discuss using labels for routing purposes, associating a particular flow of packets in an ATM network to enable dynamic shifting between switching and routing packets. The labels simply identify the flow classification so that each system node can determine whether future packets belonging to the same flow should, e.g., be switched directly in the ATM switching engine or continue to be forwarded hop-by-hop by a router. See col. 8, lines 38-45. The labeling of LYON et al. has nothing to do with providing predetermined data *related to a service* or specifying permitted setup parameters. In the Official Action, the Examiner

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did not address any of Applicant's arguments directed to LYON et al. The claimed embodiments of the present invention are distinguishable over LYON et al. for the same reasons set forth in Applicant's Reply under 37 C.F.R. § 1.111, filed on November 29, 2004.

Accordingly, withdrawal of the rejections of independent claims 1, 7, 20, 39, 44, 48, 51 and 56, based on combinations including CLARK et al. or MA et al. as the primary reference is respectfully requested. Further, withdrawal of the rejections of claims 12-19, 28-36 and 39-50, 55 and 60, based on any combinations including LYON et al. is respectfully requested.

With regard to claims 2-4, 6, 8-19, 21-38, 40-43, 45-47, 49-50, 52-55 and 57-60, Applicant asserts that they are allowable at least because they depend, directly or indirectly, from independent claims 1, 7, 20, 39, 44, 48, 51 and 56, respectively; which Applicant submits have been shown to be allowable.

Applicant notes the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicant notes amendments after final are not entered as a matter of right; however, Applicant submits that the amendment made to the pending claims do not raise any new issues requiring further search or consideration. It is also submitted that the present amendment does not raise the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

Accordingly, Applicant respectfully requests entry of the present amendment in accordance with the provisions of 37 C.F.R. § 1.116, reconsideration and withdrawal of the outstanding rejections, and indication of the allowability of claims 1-4 and 6-60 pending herein.

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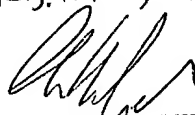
In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of March 9, 2005, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims in this Reply, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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